ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 2, 25 and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz	)	ET Docket No. 98-142

REPLY COMMENTS OF MOBILE COMMUNICATIONS HOLDINGS, INC.

Mobile Communications Holdings, Inc. ("MCHI"), by counsel and pursuant to Sections 1.415 and 1.419 of the Commission's rules, replies to comments submitted on September 21, 1998 in response to the above-captioned Notice of Proposed Rule Making.[1/] Specifically, MCHI responds to issues raised by CD Radio, Inc. ("CD Radio"), the Fixed Point-to-Point Section, Wireless Communications Division of the Telecommunications Industry Association ("TIA"), and the Society of Broadcast Engineers ("SBE").

Response to Comments of CD Radio, Inc.

CD Radio notes in its comments that non-geostationary mobile-satellite service ("NGSO MSS") feeder link networks will be transmitting in the space-to-Earth

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1/ *See Notice of Proposed Rule Making*, FCC 98-177, slip op. (released August 4, 1998; 63 Fed. Reg. 44597 (August 20, 1998) ("*NPRM*").

direction in the 6700-7075 MHz band, while satellite digital audio radio service ("DARS") feeder links will be transmitting in the Earth-to-space direction in the same band. Due to this "reverse band" relationship between the two services, CD Radio observes that there will be a need for coordination among system operators, and expresses the expectation that "NGSO MSS operators will submit information in this proceeding regarding their ability to coordinate their space stations (transmit) with SDARS space stations (receive) and their gateway earth stations (receive) with SDARS earth stations (transmit)." CD Radio Comments at 2. It goes on to comment that it envisions having a very small number of uplink earth stations — probably two. *Id.*

MCHI agrees with CD Radio that coordination will be required among the SDARS licensees and NGSO MSS licensees that operate feeder links in these bands. However, the international allocation of this spectrum for bi-directional FSS feeder links is the product of studies indicating the compatibility of such uses, and MCHI does not believe it necessary to include detailed information in this proceeding concerning spectrum sharing (and notes that CD Radio itself includes no technical information in its filing concerning its ability to coordinate successfully with NGSO MSS feeder link users). In any case, MCHI does not believe that coordination between the services will be a difficult matter, as both propose a small number of gateways in the United States — two in the case of the CD Radio, and perhaps eventually as many as six for MCHI. This

makes it quite likely that any potential interference problems can be avoided simply through geographic separation. MCHI will also comply with the power flux density ("PFD") limits specified in the international Radio Regulations as applicable for protection of networks in the geostationary orbital arc.

Response to Comments of the Telecommunications Industry Association

TIA expresses concerns about sharing in the 6/7 GHz band, based on experience from coordinating satellite and terrestrial use at C-band. *See* TIA Comments at 2-3. It also questions the efficacy of the PFD limits contained in the ITU Radio Regulations and requests that specific coordination standards be adopted, including the submission of specific technical characteristics by MSS operators. *Id.* at 4-6. Finally, it complains that current Commission spectrum assignment practices favor satellite users because they are not required to demonstrate need for bandwidth, and asks that NGSO MSS operators be limited to the spectrum needed for immediate use. *Id.* at 4 & 8.

The TIA's coordination concerns are misplaced with respect to the 6/7 GHz band. There is no comparison between the satellite service link use at C-band and the feeder link operations that will be implemented at 6/7 GHz. As noted in the preceding section, there will only be a few Earth terminals per MSS system in the United States (a maximum of six for MCHI's Ellipso℠), so that coordination should be a relatively easy

matter. Moreover, the majority of NGSO MSS operations are expected to be at 6875-7075 MHz, above the bands that TIA observes are heavily used by terrestrial licensees. *See* TIA Comments at 3.

With respect to the PFD limitations set forth in the ITU Radio Regulations, MCHI notes that the figures expressed have already been vetted through an ITU study process over the course of two World Radiocommunication Conferences. Although this does not preclude TIA from questioning their efficacy, it does demand a more thorough demonstration of potential interference than TIA has provided — particularly in view of the fact that other terrestrial facility licensees claim no interference. *See* SBE Comments at 1-2.

Finally, concerning the TIA's request for bandwidth limitations on MSS licensees, MCHI notes that its license does not specify operation over the entire 6700-7075 MHz band, but instead assigns 200 MHz from 6875-7075 MHz. The issue of spectrum requirements has thus been decided by the Commission in appropriate proceedings, and the assertion here by TIA is both misplaced and inexplicably belated.

In any event, and at least with respect to MCHI, TIA's thesis that satellite licensees are given more spectrum than is necessary for their operations is unfounded. MCHI requires all of its licensed spectrum to operate its feeder links; in fact, it could

utilize more spectrum than it has been assigned [2/] For example, MCHI reuses spectrum in its service uplink band so as to create an effective bandwidth of approximately 700 MHz, which must be delivered to gateways in the feeder downlink band, for which Ellipso℠ is currently assigned only 200 MHz.

Response to Comments of Society of Broadcast Engineers

The SBE believes that NGSO MSS downlinks are unlikely to cause interference to terrestrial 6/7 GHz Broadcast Auxiliary Service facilities. It concludes that the PFD limits established by ITU Radio Regulation S9.11A are sufficient to ensure that an NGSO MSS downlink transmission will not cause interference to existing BAS operations. *See* SBE Comments at 1 & 3. On the other hand, SBE believes that certain types of BAS facilities (*e.g.*, airborne television pickup links) may interfere with NGSO MSS downlinks. *Id.* at 1-2. Indeed, it suggests that, because of the existing widespread use of the band for TV pickup units which would already need to be protected by NGSO MSS systems, there should be no restriction on operation of **new** mobile BAS facilities in these bands. *Id.* at 2.

2/ L/Q Licensee, Inc., Globalstar, L.P. and AirTouch Communications, Inc. join MCHI in urging the Commission to pursue much-needed additional spectrum allocations for NGSO MSS feeder links. *See* Joint Comments at 6.

MCHI opposes such an unduly broad extension of "grandfathering" for the BAS. Specifically, MCHI regards the SBE proposals that no NGSO MSS downlink receive site be permitted within 100 kilometers of the top 100 TV markets and its suggestion that new BAS mobile facilities be "grandfathered," by themselves, as both unduly restrictive and inequitably non-reciprocal.

Nonetheless, MCHI also believes that the nature of the spectrum use by the BAS and the MSS is such that each service can accommodate the needs of the other. As the SBE clearly recognizes that all **new** TV pickup facilities would otherwise be required to protect licensed NGSO MSS Earth stations if not subject to some special protection,[3/] it would appear that there is a basis for compromise to accord both types of licensees the protection that they require. Once again, because of the limited number of feeder link Earth stations that NGSO MSS systems will employ at fixed locations, it should be possible for BAS licensees to take special precautions to avoid transmissions in the proximity of these gateways, while the NGSO MSS licensees should be able to plan the location of their feeder receive terminals with the concerns of the BAS community in mind.

3/ It is MCHI's view that any BAS facility licensed after July 1, 1997, the date of issue of MCHI's NGSO MSS system authorization, would be required to protect MCHI from harmful interference

III. CONCLUSION

Based on its initial comments and the additional foregoing discussion of the issues raised in this proceeding, MCHI reiterates its request that the Commission move quickly to adopt the rule changes proposed in the *NPRM* with the modifications and clarifications noted here and in its initial comments

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Lorene J. Miller, hereby certify that a true and correct copy of the foregoing "Reply Comments of Mobile Communications Holdings, Inc." was this 13th day of October, 1998, sent by U.S. first-class mail, postage pre-paid, to the following:

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